

Senate Amendment 5036

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1 1 Amend the amendment, S-5035, to House File 2212, as
1 2 amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 1, through page 11,
1 5 line 33, and inserting the following:
1 6 <Amend House File 2212, as amended, passed, and
1 7 reprinted by the House, as follows:
1 8 <#____. By striking everything after the enacting
1 9 clause and inserting the following:
1 10 <Section 1. NEW SECTION. 142D.1 TITLE ==
1 11 FINDINGS == PURPOSE.
1 12 1. This chapter shall be known and may be cited as
1 13 the "Smokefree Air Act".
1 14 2. The general assembly finds that environmental
1 15 tobacco smoke causes and exacerbates disease in
1 16 nonsmoking adults and children. These findings are
1 17 sufficient to warrant measures that regulate smoking
1 18 in public places and places of employment in order to
1 19 protect the public health and the health of employees.
1 20 3. The purpose of this chapter is to reduce the
1 21 level of exposure by the general public and employees
1 22 to environmental tobacco smoke in order to improve the
1 23 public health of Iowans.
1 24 Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.
1 25 As used in this chapter, unless the context
1 26 otherwise requires:
1 27 1. "Bar" means an establishment where one may
1 28 purchase alcoholic beverages as defined in section
1 29 123.3, for consumption on the premises and in which
1 30 the serving of food is only incidental to the
1 31 consumption of those beverages.
1 32 2. "Business" means a sole proprietorship,
1 33 partnership, joint venture, corporation, association,
1 34 or other business entity, either for-profit or
1 35 not-for-profit, including retail establishments where
1 36 goods or services are sold; professional corporations
1 37 and other entities where legal, medical, dental,
1 38 engineering, architectural, or other professional
1 39 services are delivered; and private clubs.
1 40 3. "Common area" means a reception area, lobby,
1 41 hallway, restroom, elevator, stairwell, the common use
1 42 area of a multiunit residential property, or other
1 43 area to which the public is invited or in which the
1 44 public is permitted.
1 45 4. "Employee" means a person who is employed by an
1 46 employer in consideration for direct or indirect
1 47 monetary wages or profit, or a person who provides
1 48 services to an employer on a voluntary basis.
1 49 5. "Employer" means a person including a sole
1 50 proprietorship, partnership, joint venture,
2 1 corporation, association, or other business entity
2 2 whether for-profit or not-for-profit, including state
2 3 government and its political subdivisions, that
2 4 employs the services of one or more individuals as
2 5 employees.
2 6 6. "Enclosed area" means all space between a floor
2 7 and ceiling that is contained on all sides by solid
2 8 walls or windows, exclusive of doorways, which extend
2 9 from the floor to the ceiling.
2 10 7. "Farm tractor" means farm tractor as defined in
2 11 section 321.1.
2 12 8. "Farm truck" means a single-unit truck,
2 13 truck=tractor, tractor, semitrailer, or trailer used
2 14 by a farmer to transport agricultural, horticultural,
2 15 dairy, or other farm products, including livestock,
2 16 produced or finished by the farmer, or to transport
2 17 any other personal property owned by the farmer, from
2 18 the farm to market, and to transport property and
2 19 supplies to the farm of the farmer.
2 20 9. "Farmer" means any of the following:
2 21 a. A person who files schedule F as part of the
2 22 person's annual form 1040 or form 1041 filing with the
2 23 United States internal revenue service, or an employee
2 24 of such person while the employee is actively engaged

2 25 in farming.

2 26 b. A person who holds an equity position in or who
2 27 is employed by a business association holding
2 28 agricultural land where the business association is
2 29 any of the following:

2 30 (1) A family farm corporation, authorized farm
2 31 corporation, family farm limited partnership, limited
2 32 partnership, family farm limited liability company,
2 33 authorized limited liability company, family trust, or
2 34 authorized trust, as provided in chapter 9H.

2 35 (2) A limited liability partnership as defined in
2 36 section 486A.101.

2 37 c. A natural person related to the person actively
2 38 engaged in farming as provided in paragraph "a" or "b"
2 39 when the person is actively engaged in farming. The
2 40 natural person must be related as spouse, parent,
2 41 grandparent, lineal ascendant of a grandparent or a
2 42 grandparent's spouse, other lineal descendant of a
2 43 grandparent or a grandparent's spouse, or a person
2 44 acting in a fiduciary capacity for persons so related.

2 45 For purposes of this subsection: "actively engaged
2 46 in farming" means participating in physical labor on a
2 47 regular, continuous, and substantial basis, or making
2 48 day-to-day management decisions, where such
2 49 participation or decision making is directly related
2 50 to raising and harvesting crops for feed, food, seed,
3 1 or fiber, or to the care and feeding of livestock.

3 2 10. "Health care provider location" means an
3 3 office or institution providing care or treatment of
3 4 disease, whether physical, mental, or emotional, or
3 5 other medical, physiological, or psychological
3 6 conditions, including but not limited to a hospital as
3 7 defined in section 135B.1, a health care facility as
3 8 defined in section 135C.1, an elder group home as
3 9 defined in section 231B.1, an assisted living program
3 10 as defined in section 231C.2, an adult day services
3 11 program as defined in section 231D.1, clinics,
3 12 laboratories, and the locations of professionals
3 13 regulated pursuant to Title IV, subtitle III, and
3 14 includes all enclosed areas of the location including
3 15 waiting rooms, hallways, other common areas, private
3 16 rooms, semiprivate rooms, and wards within the
3 17 location.

3 18 11. "Implement of husbandry" means implement of
3 19 husbandry as defined in section 321.1.

3 20 12. "Long-term care facility" means a health care
3 21 facility as defined in section 135C.1, an elder group
3 22 home as defined in section 231B.1, or an assisted
3 23 living program as defined in section 231C.2.

3 24 13. "Place of employment" means an area under the
3 25 control of an employer and includes all areas that an
3 26 employee frequents during the course of employment or
3 27 volunteering, including but not limited to work areas,
3 28 private offices, conference and meeting rooms,
3 29 classrooms, auditoriums, employee lounges and
3 30 cafeterias, hallways, restrooms, elevators, stairways,
3 31 and vehicles owned, leased, or provided by the
3 32 employer unless otherwise provided under this chapter.

3 33 "Place of employment" does not include a private
3 34 residence, unless the private residence is used as a
3 35 child care facility, a child care home, or as a health
3 36 care provider location.

3 37 14. "Political subdivision" means a city, county,
3 38 township, or school district.

3 39 15. "Private club" means an organization, whether
3 40 or not incorporated, that is the owner, lessee, or
3 41 occupant of a location used exclusively for club
3 42 purposes at all times and that meets all of the
3 43 following criteria:

3 44 a. Is operated solely for a recreational,
3 45 fraternal, social, patriotic, political, benevolent,
3 46 or athletic purpose, but not for pecuniary gain.

3 47 b. Sells alcoholic beverages only as incidental to
3 48 its operation.

3 49 c. Is managed by a board of directors, executive
3 50 committee, or similar body chosen by the members.

4 1 d. Has established bylaws or another document to
4 2 govern its activities.

4 3 e. Has been granted an exemption from the payment
4 4 of federal income tax as a club pursuant to 26 U.S.C.
4 5 } 501.

4 6 16. "Public place" means an enclosed area to which
4 7 the public is invited or in which the public is
4 8 permitted, including common areas, and including but
4 9 not limited to all of the following:
4 10 a. Financial institutions.
4 11 b. Restaurants.
4 12 c. Bars.
4 13 d. Public and private educational facilities.
4 14 e. Health care provider locations.
4 15 f. Hotels and motels.
4 16 g. Laundromats.
4 17 h. Public transportation facilities and
4 18 conveyances under the authority of the state or its
4 19 political subdivisions, including buses and taxicabs,
4 20 and including the ticketing, boarding, and waiting
4 21 areas of these facilities.
4 22 i. Reception areas.
4 23 j. Aquariums, galleries, libraries, and museums.
4 24 k. Retail food production and marketing
4 25 establishments.
4 26 l. Retail service establishments.
4 27 m. Retail stores.
4 28 n. Shopping malls.
4 29 o. Entertainment venues including but not limited
4 30 to theaters; concert halls; auditoriums and other
4 31 facilities primarily used for exhibiting motion
4 32 pictures, stage performances, lectures, musical
4 33 recitals, and other similar performances; bingo
4 34 facilities; and indoor arenas including sports arenas.
4 35 p. Polling places.
4 36 q. Convention facilities and meeting rooms.
4 37 r. Waiting rooms.
4 38 s. Public buildings and vehicles owned, leased, or
4 39 operated by or under the control of the state
4 40 government or its political subdivisions and including
4 41 the entirety of the private residence of any state
4 42 employee any portion of which is open to the public.
4 43 t. Service lines.
4 44 u. Common areas.
4 45 v. Private clubs only when being used for a
4 46 function to which the general public is invited.
4 47 w. Private residences only when used as a child
4 48 care facility, a child care home, or health care
4 49 provider location.
4 50 x. Child care facilities and child care homes.
5 1 y. Gambling structures, excursion gambling boats,
5 2 and racetrack enclosures.
5 3 17. "Restaurant" means eating establishments,
5 4 including private and public school cafeterias, which
5 5 offer food to the public, guests, or employees,
5 6 including the kitchen and catering facilities in which
5 7 food is prepared on the premises for serving
5 8 elsewhere, and including a bar area within a
5 9 restaurant.
5 10 18. "Retail tobacco store" means a retail store
5 11 utilized primarily for the sale of tobacco products
5 12 and accessories and in which the sale of other
5 13 products is incidental to the sale of tobacco
5 14 products.
5 15 19. "Service line" means an indoor line in which
5 16 one or more individuals are waiting for or receiving
5 17 service of any kind, whether or not the service
5 18 involves the exchange of money.
5 19 20. "Shopping mall" means an enclosed public
5 20 walkway or hall area that serves to connect retail or
5 21 professional establishments.
5 22 21. "Smoking" means inhaling, exhaling, burning,
5 23 or carrying any lighted cigar, cigarette, pipe, or
5 24 other tobacco product in any manner or in any form.
5 25 "Smoking" does not include smoking that is associated
5 26 with a recognized religious ceremony, ritual, or
5 27 activity, including but not limited to burning of
5 28 incense.
5 29 22. "Sports arena" means a sports pavilion,
5 30 stadium, gymnasium, health spa, boxing arena, swimming
5 31 pool, roller or ice rink, bowling alley, or other
5 32 similar place where members of the general public
5 33 assemble to engage in physical exercise, participate
5 34 in athletic competition, or witness sports or other
5 35 events.
5 36 Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF

5 37 SMOKING == PUBLIC PLACES, PLACES OF EMPLOYMENT, AND
5 38 OUTDOOR ARENAS AND THEATERS == SURROUNDING AREA.
5 39 1. Smoking is prohibited and a person shall not
5 40 smoke in any of the following:
5 41 a. Public places.
5 42 b. All enclosed areas within places of employment
5 43 including but not limited to common work areas;
5 44 private offices; auditoriums; classrooms; conference
5 45 and meeting rooms; elevators; hallways; medical
5 46 facilities; cafeterias; employee lounges; stairways
5 47 and stairwells; restrooms; vehicles owned, leased, or
5 48 provided by an employer unless otherwise provided
5 49 under this chapter; and all other enclosed areas
5 50 within places of employment.
6 1 2. In addition to the prohibitions specified in
6 2 subsection 1, smoking is prohibited and a person shall
6 3 not smoke in any of the following outdoor areas:
6 4 a. The seating areas of outdoor sports arenas,
6 5 stadiums, amphitheaters and other entertainment venues
6 6 where members of the general public assemble to
6 7 witness entertainment events.
6 8 b. In outdoor seating or serving areas of
6 9 restaurants.
6 10 c. Public transit stations, platforms, and
6 11 shelters under the authority of the state or its
6 12 political subdivisions.
6 13 d. On school grounds, including parking lots,
6 14 athletic fields, playgrounds, tennis courts, and any
6 15 other outdoor area under the control of a public or
6 16 private educational facility, including inside any
6 17 vehicle located on such school grounds.
6 18 e. The grounds of any public buildings owned,
6 19 leased, or operated by or under the control of the
6 20 state government or its political subdivisions,
6 21 including the grounds of a private residence of any
6 22 state employee any portion of which is open to the
6 23 public with the following exceptions:
6 24 (1) This paragraph shall not apply to the Iowa
6 25 state fairgrounds, or fairgrounds as defined in
6 26 section 174.1.
6 27 (2) This paragraph shall not apply to institutions
6 28 administered by the department of corrections, except
6 29 that smoking on the grounds shall be limited to
6 30 designated smoking areas.
6 31 (3) This paragraph shall not apply to facilities
6 32 of the Iowa national guard as defined in section
6 33 29A.1, except that smoking on the grounds shall be
6 34 limited to designated smoking areas.
6 35 Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING
6 36 NOT REGULATED.
6 37 Notwithstanding any provision of this chapter to
6 38 the contrary, the following areas are exempt from the
6 39 prohibitions of section 142D.3:
6 40 1. Private residences, unless used as a child care
6 41 facility, child care home, or a health care provider
6 42 location.
6 43 2. Hotel and motel rooms that are rented to guests
6 44 and are designated as smoking rooms; provided that not
6 45 more than twenty percent of the rooms of a hotel or
6 46 motel rented to guests are designated as smoking
6 47 rooms, all smoking rooms on the same floor are
6 48 contiguous, and smoke from smoking rooms does not
6 49 infiltrate into areas in which smoking is otherwise
6 50 prohibited under this chapter. The status of smoking
7 1 and nonsmoking rooms shall not be changed, except to
7 2 provide additional nonsmoking rooms.
7 3 3. Retail tobacco stores, provided that smoke from
7 4 these locations does not infiltrate into areas in
7 5 which smoking is otherwise prohibited under this
7 6 chapter.
7 7 4. Private and semiprivate rooms in long-term care
7 8 facilities, occupied by one or more individuals, all
7 9 of whom are smokers and have requested in writing to
7 10 be placed in a room where smoking is permitted,
7 11 provided that smoke from these locations does not
7 12 infiltrate into areas in which smoking is otherwise
7 13 prohibited under this chapter.
7 14 5. Private clubs that have no employees, except
7 15 when being used for a function to which the general
7 16 public is invited, provided that smoke from these
7 17 locations does not infiltrate into areas in which

7 18 smoking is otherwise prohibited under this chapter.
7 19 This exemption shall not apply to any entity that is
7 20 established for the purpose of avoiding compliance
7 21 with this chapter.

7 22 6. Outdoor areas that are places of employment
7 23 except those areas where smoking is prohibited
7 24 pursuant to section 142D.3, subsection 2.

7 25 7. Limousines under private hire; vehicles owned,
7 26 leased, or provided by a private employer that are for
7 27 the sole use of the driver and are not used by more
7 28 than one person in the course of employment either as
7 29 a driver or passenger; privately owned vehicles not
7 30 otherwise defined as a place of employment or public
7 31 place; and cabs of motor trucks or truck tractors if
7 32 no nonsmoking employees are present.

7 33 8. An enclosed area within a place of employment
7 34 or public place that provides a smoking cessation
7 35 program or a medical or scientific research or therapy
7 36 program, if smoking is an integral part of the
7 37 program.

7 38 9. Farm tractors, farm trucks, and implements of
7 39 husbandry when being used for their intended purposes.

7 40 Sec. 5. NEW SECTION. 142D.5 DECLARATION OF
7 41 ESTABLISHMENT AS NONSMOKING.

7 42 1. Notwithstanding any provision of this chapter
7 43 to the contrary, an owner, operator, manager, or other
7 44 person having custody or control of an area otherwise
7 45 exempt from the prohibitions of section 142D.3 may
7 46 declare the entire area as a nonsmoking place.

7 47 2. Smoking shall be prohibited in any location of
7 48 an area declared a nonsmoking place under this section
7 49 if a sign is posted conforming to the provisions of
7 50 section 142D.6.

8 1 Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING
8 2 REQUIREMENTS == POSTING OF SIGNS.

8 3 1. Notice of the provisions of this chapter shall
8 4 be provided to all applicants for a business license
8 5 in this state, to all law enforcement agencies, and to
8 6 any business required to be registered with the office
8 7 of the secretary of state.

8 8 2. All employers subject to the prohibitions of
8 9 this chapter shall communicate to all existing
8 10 employees and to all prospective employees upon
8 11 application for employment the smoking prohibitions
8 12 prescribed in this chapter.

8 13 3. The owner, operator, manager, or other person
8 14 having custody or control of a public place or place
8 15 of employment where smoking is prohibited under this
8 16 chapter shall clearly and conspicuously post in and at
8 17 every entrance to the public place or place of
8 18 employment "no smoking" signs or the international "no
8 19 smoking" symbol. Additionally, a "no smoking" sign or
8 20 the international "no smoking" symbol shall be placed
8 21 in every vehicle that constitutes a public place or
8 22 place of employment under this chapter, visible from
8 23 the exterior of the vehicle. All signs shall contain
8 24 the telephone number for reporting complaints and the
8 25 internet site of the department of public health. The
8 26 owner, operator, manager, or other person having
8 27 custody or control of the public place, place of
8 28 employment, or outdoor area may use the sample signs
8 29 provided on the department of public health's internet
8 30 site, or may use another sign if the contents of the
8 31 sign comply with the requirements of this subsection.

8 32 4. The owner, operator, manager, or other person
8 33 having custody or control of a public place, place of
8 34 employment, or outdoor area where smoking is
8 35 prohibited under this chapter shall remove all
8 36 ashtrays from these locations.

8 37 Sec. 7. NEW SECTION. 142D.7 NONRETALIATION ==
8 38 NONWAIVER OF RIGHTS.

8 39 1. A person or employer shall not discharge,
8 40 refuse to employ, or in any manner retaliate against
8 41 an employee, applicant for employment, or customer
8 42 because that employee, applicant, or customer
8 43 exercises any rights afforded under this chapter,
8 44 registers a complaint, or attempts to prosecute a
8 45 violation of this chapter.

8 46 2. An employee who works in a location where an
8 47 employer allows smoking does not waive or surrender
8 48 any legal rights the employee may have against the

8 49 employer or any other person.

8 50 Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

9 1 1. This chapter shall be enforced by the
9 2 department of public health or the department's
9 3 designee. The department of public health shall adopt
9 4 rules to administer this chapter, including rules
9 5 regarding enforcement. The department of public
9 6 health shall provide information regarding the
9 7 provisions of this chapter and related compliance
9 8 issues to employers, owners, operators, managers, and
9 9 other persons having custody or control of a public
9 10 place, place of employment, or outdoor area where
9 11 smoking is prohibited, and the general public via the
9 12 department's internet site. The internet site shall
9 13 include sample signage and the telephone number for
9 14 reporting complaints. Judicial magistrates shall hear
9 15 and determine violations of this chapter.

9 16 2. If a public place is subject to any state or
9 17 political subdivision inspection process or is under
9 18 contract with the state or a political subdivision,
9 19 the person performing the inspection shall assess
9 20 compliance with the requirements of this chapter and
9 21 shall report any violations to the department of
9 22 public health or the department's designee.

9 23 3. An owner, operator, manager, or other person
9 24 having custody or control of a public place, place of
9 25 employment, or outdoor area regulated under this
9 26 chapter shall inform persons violating this chapter of
9 27 the provisions of this chapter.

9 28 4. An employee or private citizen may bring a
9 29 legal action to enforce this chapter. Any person may
9 30 register a complaint under this chapter by filing a
9 31 complaint with the department of public health or the
9 32 department's designee.

9 33 5. In addition to the remedies provided in this
9 34 section, the department of public health or the
9 35 department's designee or any other person aggrieved by
9 36 the failure of the owner, operator, manager, or other
9 37 person having custody or control of a public place,
9 38 place of employment, or outdoor area regulated by this
9 39 chapter to comply with this chapter may seek
9 40 injunctive relief to enforce this chapter.

9 41 Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

9 42 1. A person who smokes in an area where smoking is
9 43 prohibited pursuant to this chapter shall pay a civil
9 44 penalty pursuant to section 805.8C, subsection 3,
9 45 paragraph "a", for each violation.

9 46 2. A person who owns, manages, operates, or
9 47 otherwise has custody or control of a public place,
9 48 place of employment, or outdoor area regulated under
9 49 this chapter and who fails to comply with this chapter
9 50 shall pay a civil penalty as follows:

10 1 a. For a first violation, a monetary penalty not
10 2 to exceed one hundred dollars.

10 3 b. For a second violation within one year, a
10 4 monetary penalty not to exceed two hundred dollars.

10 5 c. For each violation in excess of a second
10 6 violation within one year, a monetary penalty not to
10 7 exceed five hundred dollars for each additional
10 8 violation.

10 9 3. An employer who discharges or in any manner
10 10 discriminates against an employee because the employee
10 11 has made a complaint or has provided information or
10 12 instituted a legal action under this chapter shall pay
10 13 a civil penalty of not less than two thousand dollars
10 14 and not more than ten thousand dollars for each
10 15 violation.

10 16 4. In addition to the penalties established in
10 17 this section, violation of this chapter by a person
10 18 who owns, manages, operates, or who otherwise has
10 19 custody or control of a public place, place of
10 20 employment, or outdoor area regulated under this
10 21 chapter may result in the suspension or revocation of
10 22 any permit or license issued to the person for the
10 23 premises on which the violation occurred.

10 24 5. Violation of this chapter constitutes a public
10 25 nuisance which may be abated by the department of
10 26 public health or the department's designee by
10 27 restraining order, preliminary or permanent
10 28 injunction, or other means provided by law, and the
10 29 entity abating the public nuisance may take action to

10 30 recover the costs of such abatement.
10 31 6. Each day on which a violation of this chapter
10 32 occurs is considered a separate and distinct
10 33 violation.
10 34 7. Civil penalties paid pursuant to this chapter
10 35 shall be deposited in the general fund of the state,
10 36 unless a local authority as designated by the
10 37 department in administrative rules is involved in the
10 38 enforcement, in which case the civil penalties paid
10 39 shall be deposited in the general fund of the city or
10 40 county.
10 41 Sec. 10. Section 135.1, unnumbered paragraph 1,
10 42 Code 2007, is amended to read as follows:
10 43 For the purposes of chapter 155 and Title IV,
10 44 subtitle 2, excluding chapters ~~142B~~, 145B, and 146,
10 45 unless otherwise defined:
10 46 Sec. 11. Section 135.11, subsection 14, Code
10 47 Supplement 2007, is amended to read as follows:
10 48 14. Establish, publish, and enforce rules not
10 49 inconsistent with law for the enforcement of the
10 50 provisions of chapters 125 and 155, and Title IV,
11 1 subtitle 2, excluding chapters ~~142B~~, 142D, 145B, and
11 2 146 and for the enforcement of the various laws, the
11 3 administration and supervision of which are imposed
11 4 upon the department.
11 5 Sec. 12. Section 237A.3A, subsection 5, Code 2007,
11 6 is amended by striking the subsection.
11 7 Sec. 13. NEW SECTION. 237A.3B SMOKING
11 8 PROHIBITED.
11 9 Smoking, as defined in section 142D.2, shall not be
11 10 permitted in a child care facility or child care home.
11 11 Sec. 14. Section 331.427, subsection 1, unnumbered
11 12 paragraph 1, Code Supplement 2007, is amended to read
11 13 as follows:
11 14 Except as otherwise provided by state law, county
11 15 revenues from taxes and other sources for general
11 16 county services shall be credited to the general fund
11 17 of the county, including revenues received under
11 18 sections 9I.11, 101A.3, 101A.7, 123.36, 123.143,
11 19 ~~142B.6~~, 142D.9, 176A.8, 321.105, 321.152, 321G.7,
11 20 321I.8, section 331.554, subsection 6, sections
11 21 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15,
11 22 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329,
11 23 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the
11 24 following:
11 25 Sec. 15. Section 805.8C, subsection 3, paragraph
11 26 a, Code Supplement 2007, is amended to read as
11 27 follows:
11 28 a. For violations of ~~section 142B.6 described in~~
11 29 section 142D.9, subsection 1, the scheduled fine is
11 30 ~~twenty-five~~ fifty dollars, and is a civil penalty, and
11 31 the criminal penalty surcharge under section 911.1
11 32 shall not be added to the penalty, and the court costs
11 33 pursuant to section 805.9, subsection 6, shall not be
11 34 imposed. If the civil penalty assessed for a
11 35 violation of ~~described in section 142B.6~~ 142D.9,
11 36 subsection 1, is not paid in a timely manner, a
11 37 citation shall be issued for the violation in the
11 38 manner provided in section 804.1. However, a person
11 39 under age eighteen shall not be detained in a secure
11 40 facility for failure to pay the civil penalty. The
11 41 complainant shall not be charged a filing fee.
11 42 Sec. 16. Chapter 142B, Code 2007, is repealed.>>
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11 46 STACI APPEL
11 47 HF 2212.310 82
11 48 pf/rj/10685